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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED:

June 8, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Closure of Certain Forest Roads, Schoolcraft County
Land Use Order of the Director Amendment No. 12 of 2009
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

The Department is considering the closure of several forest roads in the Shingleton Management Unit in Schoolcraft County. The closures are proposed for resource protection purposes under the Department's Forest Certification requirements and standards.

The first road proposed for closure is located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 35, T46N, R16W, Hiawatha Township, Schoolcraft County. Department staff recommends the closure for the following reasons:

The road was built for management purposes to harvest a timber sale and was not blocked following the completion of the sale. The only access to the road is from private property and there are persons currently utilizing the road illegally with ORVs for hunting. Staff recommendations include closure of the road, and utilizing stumps and slash from an upcoming timber sale to make it impassable.

Department staff also recommends the closure of several forest roads located in Sections 24, 25, and 36, T41N, R17W, Inwood Township, Schoolcraft County. The roads must be closed for the following reasons:

There are a number of forest roads in this area, and the roads proposed for closure are in excess to management and public access needs. Good access to this area is provided by other roads. In

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addition, the excessive number of roads in this area has contributed to widespread trash dumping, and has also contributed to timber theft and vandalism. Staff recommendations include blocking these roads to vehicular traffic by making them impassable, and therefore preventing the dumping of trash and other illegal activities.

The last proposed closure is of the forest road, locally known as Silver Creek Grade, located in Sections 1 and 12, T41N, R17W, Inwood Township, Schoolcraft County. The road must be closed for the following reasons:

Silver Creek Grade has a 1/2 mile stretch that traverses through a cedar wetland area. The road on this segment is in poor shape and can only be driven during the dry portion of the summer. There are currently two culverts within this stretch of the road, which is inadequate. Water typically washes across the road and causes severe ponding. The conditions of the road have contributed to illegal ORV use. Staff recommendations include closure of .8 mile of the road, removal of the undersized culverts which are contributing to stream degradation, and to construct berms along this segment of road which would open up some channels to allow surface water to flow across the old grade. All of the work would be done according to best management practices.

The Eastern Upper Peninsula (EUP) Ecoteam has been informed of the need for these road closures. The closures have been reviewed and are supported by the EUP Ecoteam.

The proposed road closures are on state lands within the boundary covered under the Consent Decree (Decree) for the 1836 Treaty. As required under Appendix L, paragraph 14.5 of the Decree, the Tribes and persons listed in the Decree have been provided notification and an opportunity to comment on the proposed road closures.

Recommendation:

This order is being submitted for information and consideration. This item will appear on the Department's June 29, 2009 calendar and may be eligible for approval on August 13, 2009.

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management

Ronald A. Olson, Chief
Parks and Recreation Division

Russ Mason, Ph.D., Chief
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Resource Management Deputy

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 12 of 2009

By authority conferred on the Director of the Department of Natural Resources by section 504 of 1994 PA 451, MCL 324.504, and pursuant to R 299.671 and R 299.921 of the Michigan Administrative Code, it is ordered that the following order of the Land Use Orders of the Director shall read as follows:

4.43a Certain state-owned lands, Schoolcraft county, motorized vehicles, prohibited conduct.

Order 4.43a. A person shall not do any of the following on the described state-owned lands, Schoolcraft county:

(1) Enter, use or occupy, including operate a motorized vehicle on the closed forest road located in the SW1/4 of the SE1/4 of section 9, T43N R15W.

(2) Enter, use or occupy, including operate a motorized vehicle on the closed forest road located in the NW1/4 of the NE1/4 of section 8, T47N R14W.

(3) Enter, use or occupy, including operate a motorized vehicle on the closed forest road located in the SE1/4 of section 22, T44N R15W.

(4) ENTER, USE OR OCCUPY, INCLUDING OPERATE A MOTORIZED VEHICLE ON THE CLOSED FOREST ROAD LOCATED IN THE SW1/4 OF THE NW1/4 AND THE NW1/4 OF THE SW1/4 OF SECTION 35, T46N R16W.

(5) ENTER, USE OR OCCUPY, INCLUDING OPERATE A MOTORIZED VEHICLE ON THE CLOSED FOREST ROADS LOCATED IN SECTIONS 24, 25, AND 36, T41N R17W.

(6) ENTER, USE OR OCCUPY, INCLUDING OPERATE A MOTORIZED VEHICLE ON THE CLOSED FOREST ROAD LOCATED IN SECTIONS 1 AND 12, T41N R17W.

This amended order shall be posted on or after August 14, 2009.

Issued on this 13th day of August, 2009.

Rebecca A. Humphries
Director